

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

D.A.N. JOINT VENTURE III, L.P.,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:18-cv-00349
)	
DOROTHEA TOURIS; STEVEN E.)	
GOULETAS; NATEL MATSCHULAT;)	
PAUL JONES; JAMES PAUL;)	
STUART T. ADLER, Individually and as)	
Trustee of the Stuart T. Adler Revocable)	
Family Trust; GEORGE STRAY;)	
GEORGE SPANOS; BEERMANN)	
PRITIKIN MIRABELLI SWERDLOVE)	
LLP; IRENE GOULETAS; DESIREE)	
WITTE; VICTORIA M. GOULETAS;)	
ROSALIE GOULETAS; LOUIS)	
GOULETAS; MICHAEL GOULETAS;)	
and BRITTANY GOULETAS,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION AND BRIEF FOR
LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to Fed.R.Civ.P. 15(a)(2), Plaintiff hereby seeks leave of Court to amend its Second Amended Complaint to (a) add additional facts as to the wrongful conduct of Defendant Beermann Pritikin Mirabelli Swerdlove LLP ("BPMS") which facts were recently learned by Plaintiff through document production from a third party; (b) clarify that Plaintiff's claims against Defendant BPMS do not arise out of conduct on its part in the performance of professional services; (c) clarify that Defendant BPMS acted in the capacity as a "transferee" under the Illinois Uniform Fraudulent Transfer Act when it directed the deposit of Judgment Debtor Gouletas's funds into its trust account; and (d) delete the claims against a settling Defendant, Warady & Davis. For

the reasons set forth below, Plaintiff respectfully requests that the Court grant Plaintiff Leave to File its Third Amended Complaint, a true and correct copy of which is attached hereto as Ex. A.

1. This case has not yet been set for trial.
2. While the parties have engaged in limited written discovery, no depositions have yet been taken.
3. No new causes of action are set forth in the proposed amended complaint.
4. As provided in Fed.R.Civ.P. 15(a)(2), leave to file an amended complaint should be "freely give[n] . . . when justice so requires." Here, (a) there has been no undue delay on the part of Plaintiff in seeking amendment of the Complaint; (b) there is no bad faith or dilatory motive on the part of Plaintiff; (c) there was no prior failure on the part of Plaintiff to cure deficiencies by amendments previously allowed; (d) there will not be any undue prejudice to the Defendants by allowance of the amendment; and (e) it would not be futile to allow the proposed amendment to the Complaint. *See Yata v. BDJ Trucking Co.*, 2018 U.S. Dist. LEXIS 111726, *20-21, 2018 WL 3303290 (N.D. Ill., July 15, 2018), *citing Bausch v. Stryker Corp.*, 630 F.3d 546, 562 (7th Cir. 2010).

PRAYER

Based on the foregoing, Plaintiff respectfully requests that the Court grant Plaintiff's Motion for Leave to File its Third Amended Complaint, a true and correct copy of which is attached hereto as Ex. A.

Respectfully submitted,

ARMSTRONG LAW FIRM, P.C.

DATED: July 1, 2020.

By F. Dean Armstrong

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Attorney for Plaintiff

D.A.N. Joint Venture III, L.P.

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing pleading was served upon all parties receiving CM/ECF noticing on this 1st day of July, 2020. Parties not part of the CM/ECF system were served via United States Mail.

/s/F. Dean Armstrong

F. Dean Armstrong